

REMARKS

This Amendment is responsive to the Office Action dated January 20, 2006. Applicant has amended claims 1, 5, 7, 9, 11-13, 18, 22, 26, 28 and 31-33. Claims 1-38 remain pending.¹

Claim Rejection Under 35 U.S.C. § 102

The Office Action rejected claims 1, 11-16, 18-19, 22, and 31-35 under 35 U.S.C. § 102(b) as being anticipated by Brooks et al. (US 6,520,912) (hereafter Brooks). Applicant respectfully traverses the rejection to the extent such rejection may be considered applicable to the amended claims. Brooks fails to disclose each and every feature of the claimed invention, as required by 35 U.S.C. § 102(b), and provides no teaching that would have suggested the desirability of modification to include such features.

For example, as amended, each of independent claims 1 and 22 requires that a plurality of patient parameters be measured, and that first and second subsets of the plurality of patient parameters be displayed via first and second display monitors of an emergency medical device. As amended, each of claims 1 and 22 also requires a plurality of sensors to measure the plurality of patient parameters.

Brooks fails to disclose or suggest these requirements of the amended independent claims. Instead, Brooks describes a computer system for reviewing stored medical data, such as ultrasound images. Background, col. 3, ll. 41-44, col. 7, ll. 19-45. Brooks indicates that its embodiments allow the display of images in a “presentation mode”—i.e., where a first display device displays a plurality of images and a second display device displays one of the plurality of images from the first display device. Col. 5, ll. 39-47. The presentation of an image of interest to students can be facilitated by positioning the second display device in a different direction from the first display device, “thereby facilitating the presentation of the image of interest to students.” Col. 6, ll. 3-6.

The display system described by Brooks fails to meet the requirements of Applicant’s independent claims 1 and 22 as amended. For example, the display system described by Brooks is not an emergency medical device. Further, the display system described by Brooks does not

¹ The Office Action Summary incorrectly indicated that claims 1-29 were pending in the application. The Detailed Action addressed claims 30-38.

even include a single sensor to measure a single patient parameter, much less a plurality of sensors to measure a plurality of patient parameters. In fact, the only context in which Brooks suggests using more than one display device is a classroom presentation of stored ultrasound images—not in a situation requiring an emergency medical device that senses a plurality of patient parameters via a plurality of sensors. Thus, none of the embodiments disclosed in Brooks include an emergency medical device that measures a plurality of patient parameters via a plurality of sensors, and displays subsets of the measured patient parameters on first and second display monitors, as required by the independent claims.

As another example, Brooks also fails to teach or suggest displaying emergency medical device status information, as required by dependent claims 14 and 34. Instead, Brooks only teaches or suggests displaying “medical data.” Col. 1, ll. 40-50. Brooks states exactly what is meant by the term “medical data,” and nowhere does Brooks mention information relating to the status of an emergency medical device in its definition of the term. *See* col. 2, ll. 29-35.

In order to support an anticipation rejection under 35 U.S.C. § 102(b), a prior art reference must disclose each and every element of a claim. If a prior art reference fails to disclose any element of a claim, then rejection under 35 U.S.C. § 102(b) is improper. Brooks fails to disclose measuring a plurality of patient parameters via a plurality of sensors and displaying first and second subsets of the measured plurality of patient parameters on first and second display monitors of an emergency medical device, as required by independent claims 1 and 22 as amended. For at least that reasons, the Office Action does not establish a prima facie case for anticipation of Applicant’s claims 1, 11-16, 18-19, 22, and 31-35 under 35 U.S.C. § 102(b). Withdrawal of this rejection is requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 2, 3, 17, 23, 24, and 38

The Office Action rejected claims 2, 3, 17, 23, 24, and 38 under 35 U.S.C. § 103(a) as being unpatentable over Brooks in view of Higginbotham et al. (US 5,896,575) (hereafter Higginbotham) and further in view of Winkler (US 5,345,362).

Applicant respectfully traverses the rejection to the extent such rejection may be considered applicable to the claims as amended. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

For example, the applied references fail to teach or suggest an emergency medical device in which a major surface of the first display monitor is arranged in a first plane and a major surface of the second display monitor is arranged in a second plane, and the first plane and the second plane are substantially perpendicular to one another, as required by dependent claims 2 and 23. Further, the applied references fail to teach or suggest an emergency medical device in which a major surface of the first display monitor is arranged in a first plane and a major surface of the second display monitor is arranged in a second plane, and the first plane and the second plane are substantially parallel to one another, as required by dependent claims 3 and 24.

The Office Action recognized that Brooks fails to disclose major surfaces of first and second display monitors as being within different planes that are substantially perpendicular or parallel. In order to overcome the admittedly deficient teachings of Brooks, the Office Action looked to Winkler. More particularly, the Office Action stated that Winkler discloses a display screen that can be "adjusted into a plurality of viewing angles including a perpendicular configuration...[and] that is movable from a closed position in which it is substantially parallel with an upper surface of the apparatus." The Office Action argued that it would have been obvious to arrange the two displays of Brooks in the manner taught by Winkler.

However, the teachings of Winkler are completely irrelevant to the requirements of Applicant's claims. In particular, Winkler discloses an apparatus that contains only one adjustable display screen. In other words, Winkler provides no teaching of how to arrange two displays relative to each other. Consequently, the teachings of Winkler would have failed to

motivate one of ordinary skill to modify the Brooks displays to meet the requirement of claims 2, 3, 23 and 24.

Further, in view of the distinctions identified above between Applicant's independent claims 1 and 22 as amended and Brooks, it is clear that the Office Action does not state a prima facie case of unpatentability for Applicant's dependent claims 17 and 38. In particular, the Office Action's conclusion of obviousness for these claims based only on the disclosures of Brooks and Winkler and does nothing to cure the failure of Brooks to teach or suggest measuring a plurality of patient parameters via a plurality of sensors and displaying first and second subsets of the measured plurality of patient parameters on first and second display monitors of an emergency medical device, as required by independent claims 1 and 22 as amended.

Higginbotham, which is cited by the Office Action but not relied on to support its conclusion of obviousness, also does nothing to cure the failure of Brooks and Winkler to teach or suggest the limitations of independent claims 1 and 22. None of the references contains a suggestion or motivation to modify the classroom presentation system of Brooks to conform to the requirements of Applicant's claims.

For at least these reasons, the Examiner has failed to establish a prima facie case for non-patentability of Applicant's claims 2, 3, 17, 23, 24, and 38 under 35 U.S.C. § 103(a).

Withdrawal of this rejection is requested.

Claims 4-9 and 25-29

The Office Action rejected claims 4-9 and 25-29 under 35 U.S.C. § 103(a) as being unpatentable over Brooks in view of Daynes et al. (US 6,754,526) (hereafter Daynes).

Applicant respectfully traverses the rejection to the extent such rejection may be considered applicable to the claims as amended. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

For example, the applied references fail to teach or suggest an emergency medical device including a housing and a cover attached to the housing, the first display monitor and the second display monitor being located within the cover, in which the first display monitor is located on

one side of the cover and the second display monitor is located on the opposite side of the cover, as required by dependent claims 4 and 25.

The Office Action recognized that Brooks fails to disclose first and second display monitors located within a cover that is attached to a housing of an emergency medical device. Further, although Daynes discloses a cover attached to a housing, the cover contains no display monitor located within it, as required by claims 4 and 25. Accordingly, Brooks in view of Daynes fails to teach or suggest an emergency medical device that includes even a single display monitor located within a cover that is attached to the housing of the device. Brooks in view of Daynes also fails to teach or suggest any of the requirements of claims 5-9 and 26-29 that depend on the state of the cover being open or closed.

For at least these reasons, the Examiner has failed to establish a prima facie case for non-patentability of Applicant's claims 4-9 and 25-29 under 35 U.S.C. § 103(a). Withdrawal of this rejection is requested.

Claims 10, 20-21, 30, and 36-37

The Office Action rejected claims 10, 20-21, 30, and 36-37 under 35 U.S.C. § 103(a) as being unpatentable over Brooks in view of Higginbotham and further in view of Kirchgeorg et al. (US 6,327,497) (hereafter Kirchgeorg).

Applicant respectfully traverses the rejection to the extent such rejection may be considered applicable to the claims as amended. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

For example, the Office Action acknowledged that Brooks fails to teach or suggest a handle, as required by claims 10 and 30. In order to overcome the deficient teachings of Brooks, the Office Action looked to Kirchgeorg and stated that Kirchgeorg discloses a handle for carrying a defibrillator "allowing the user to look only at the face of the unit to view the various displays for the different systems." Thus, the Office Action appears to acknowledge the fact that Kirchgeorg fails to disclose a display monitor located on the side of the device on which the handle is located, as required by claims 10 and 30. Accordingly, even if combined, the teachings of Brooks and Kirchgeorg fail to meet each and every requirement of claims 10 and 30.

Furthermore, the combination of Brooks and Kirchgeorg proposed in the Office Action is nonsensical, because their teachings are not even remotely related. One of ordinary skill in the art would simply not have looked to the defibrillator device of Kirchgeorg for teachings to modify the display system of Brooks. Even if one of ordinary skill in the art had considered Brooks and Kirchgeorg, their teachings would not have motivated the significant modifications suggested in the Office action.

For example, neither Brooks nor Kirchgeorg provide any teaching suggesting that it would have been desirable for the display system disclosed by Brooks to be portable in the manner that Kirchgeorg defibrillator is. The Brooks display system is generally represented as a personal computer with two CRT monitors. Even considering the teachings of a portable defibrillator in Kirchgeorg, one of ordinary skill would not have been motivated to add a handle to the Brooks system to allow it to be transported as a unit in the same manner as the Kirchgeorg defibrillator. Further, with respect to claims 20 and 36, Brooks provides no teaching that would have suggested the applicability of the disclosed medical image display techniques using a personal computer and CRT monitors in an external defibrillator. The mere citation of a defibrillator is not evidence of a motivation to combine.

Further, in view of the distinctions identified above between Applicant's independent claims 1 and 22 as amended and Brooks, it is clear that the Office Action does not state a prima facie case of unpatentability for Applicant's dependent claims 21 and 37. In particular, the Office Action's conclusion of obviousness for these claims based only on the disclosures of Brooks, Higginbotham, and Kirchgeorg does nothing to cure the failure of Brooks to teach or suggest measuring a plurality of patient parameters via a plurality of sensors and displaying first and second subsets of the measured plurality of patient parameters on first and second display monitors of an emergency medical device, as required by independent claims 1 and 22 as amended.

Higginbotham, which is cited by the Office Action but not relied on to support its conclusion of obviousness, also does nothing to cure the failure of Brooks and Kirchgeorg to teach or suggest the limitations of independent claims 1 and 22. None of the references contains a suggestion or motivation to modify the classroom presentation system of Brooks to conform to the requirements of Applicant's claims.

Application Number 10/712,597
Amendment dated May 22, 2006
Responsive to Office Action mailed January 20, 2006

For at least these reasons, the Examiner has failed to establish a prima facie case for non-patentability of Applicant's claims 10, 20-21, 30, and 36-37 under 35 U.S.C. § 103(a).

Withdrawal of this rejection is requested.

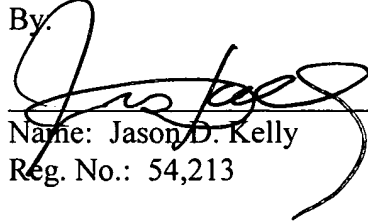
CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date: May 22, 2006

SHUMAKER & SIEFFERT, P.A.
8425 Seasons Parkway, Suite 105
St. Paul, Minnesota 55125
Telephone: 651.735.1100
Facsimile: 651.735.1102

By.



Name: Jason D. Kelly
Reg. No.: 54,213